



STATE OF VERMONT
OFFICE OF LEGISLATIVE COUNCIL

MEMORANDUM

To: Joint Legislative Management Oversight Committee
From: Luke Martland, Director and Chief Counsel
CC: Jennifer Carbee, Deputy Chief Counsel;
Mike Ferrant, Deputy Director, Operations;
Kevin Moore, Deputy Director, IT;
Michael O'Grady, Deputy Chief Counsel;
Peggy Delaney, Committee Services Supervisor;
Nedene Martin, Drafting Operations Supervisor
Date: September 2, 2019
Subject: Recommendations concerning reorganization of staff offices

I. Introduction

The heads of each of the five staff offices have been asked to give input and recommendations concerning any potential reorganization of the General Assembly's staff offices and functions. This memorandum sets forth my recommendations. I respectfully request that you provide time for each of the Office of Legislative Council supervisors cc'd above to testify and give their own opinions as to these issues.

Our office is large (60 people) and complex because it combines the General Assembly's legal, editing, IT, payroll, administrative, and committee support units. Our Office is staffed with professionals who do an excellent job, work together as a highly efficient team, and provide the highest quality support to our clients (the members of the General Assembly) in a cost effective manner. To be blunt, I (and I believe every other supervisor) am very proud of our Office, including its employees, culture, and performance.

Despite this, I am recommending that our Office be broken up, substantially realigned, and become less independent. I am doing so because I believe these changes will have an overall positive impact for staff, members, and the General Assembly as an institution.

However, although I believe these changes will be positive if implemented in the right way, I am also concerned that they can be negative if poorly considered or

implemented. As you can imagine, many employees of the Office of Legislative Council are concerned about the process, the Committee's ultimate decisions, and the potential impact. Having a transparent, thorough, and well thought out process is therefore extremely important. This memorandum will made recommendations both as to the Committee's process and the optimal reorganization plan.

II. Recommendations as to the Committee's Process

It is important that the Committee understand the impact any reorganization will have on the lives of all employees. The Committee should not rush and I hope that the Committee will take the time to carefully read the NCSL report and gather all relevant information and facts.

I believe that it is imperative that all staff, year-round and session-only, have an opportunity to give their input and I recommend that multiple mechanisms be created to do so, including: i) affording any staff person who wishes to an opportunity to testify before the Committee; ii) creating some mechanism that will allow staff to provide anonymous input to the Committee; and iii) affording any staff person who does not wish to testify in public an opportunity to testify before the Committee in private.

The Committee should not implement change for change's sake, but only if, after careful and thorough consideration, the Committee believes those changes will have a positive impact upon the performance or efficiency of staff offices, or by creating a more professional work environment. In addition, if the Committee decides that a reorganization is appropriate, that reorganization should be implemented all-at-once during the summer of 2020 in order to minimize disruption.

III. Recommendations as to Reorganization

The NCSL report set forth two options, labelled "A" and "B" (*Legislative Branch Workforce Comparative Evaluation Final Report*, p. 27-34). I recommend that that Committee adopt option A for four reasons.

First, the IT unit should be removed from Legislative Council and elevated into a separate office that is equal to all other staff offices. This is necessary as IT's role grows with each passing year. Plan A does this, whereas Plan B merely moves IT from one larger office (the Office of Legislative Council) to another (the newly created Legislative Administration Office). Shuffling IT from one office to another does not achieve anything and defeats the objective of making IT a free-standing and co-equal office. In addition, as the NCSL report makes clear, the Legislative Staff Information Systems Team should be continued, but as a body that advises the Director of IT and does not oversee the IT unit or staff, decide IT policy, or control IT projects.

Second, the General Assembly needs a HR Director. As requested, a breakdown of the HR services the Office of Legislative Council currently provides to its staff and to members is being separately provided to the Committee. As you will see, it includes a

broad range of duties including processing time sheets and expenses (for both staff and members), helping employees understand insurance and benefits, time and attendance, hiring, on-boarding, evaluations, and other matters. The HR Director would fill all of these roles on behalf of all staff offices.¹ In addition, the HR Director may also have other responsibilities such as developing policies and procedures that would apply to all staff offices, dealing with complaints as to conduct by staff, and adjudicating disputes between staff members. The HR Director will therefore have a very broad portfolio that is relevant to almost all employees and to all offices. As a result, the HR Director is best housed in the Executive Director's Office, thereby ensuring that all offices have the benefit of a consistent over-arching approach. Whereas option A does this, option B instead houses the HR function within one of the staff offices. This will undermine the ability of HR to serve all offices equally and consistently and may result in the HR Director's influence being curtailed.

Third, option A will best allow all offices to achieve maximum efficiency and eliminate redundancies. For example, the efficiencies achieved in Legislative Council over the last few years were possible because the various units within Legislative Council reported to one Director who could modify assignments and job descriptions and reallocate staff and resources as necessary to address an emergency or maximize efficiency. The NCSL report highlighted duplication between the different staff offices, and these can best be addressed by having all offices (with the exception of the Clerk and Secretary) report to an Executive Director.

Fourth, the day-to-day operation of a large organization takes a great deal of time, effort, and attention to detail. This can best be carried out by an Executive Director with the support of an HR Director. An oversight Committee composed of busy legislators with many other priorities is ill-suited to manage such an operation on a day-to-day basis. This is especially so because legislators are only part-time, whereas the staff offices run twelve months a year. I fear that asking an oversight Committee to assume this responsibility is not only unrealistic but may result in decisions not being made in a timely manner, which will negatively impact the ability of all offices to function.

IV. Conclusion

As to process, I hope that the Committee will follow a thorough and transparent process and will allow all Office of Legislative Council supervisors, and all staff, the ability to give input. As to the options set forth in the NCSL report, I recommend that the Committee adopt option A. I appreciate the Committee's work; please let me know whatever additional information you may need, or if you have any questions.

¹ The House Clerk and Senate Secretary may well be outside the purview of the HR Director. However, I believe that it is best if all other staff are covered by the same policies, applied in a consistent manner.